

FILE COPY

STATE OF WISCONSIN

BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CHRISTINA I. AVERILL, R.N.,	:	96 NUR 191
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Christina I. Averill
3825 South 63rd Street
Milwaukee, WI 53220

Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Christina I. Averill (D.O.B. 11/08/70) is duly licensed in the state of Wisconsin as a registered nurse (license 112280). This license was first granted on March 24, 1993.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 3825 South 63rd Street, Milwaukee, WI 53220.
3. Respondent was hospitalized from August 31, 1996, to September 4, 1996, for treatment of her condition after she stabbed herself in the chest.

4. On November 11, 1996, while on duty as a registered nurse in a 36 patient Alzheimer's unit at the Village at Manor Park. Respondent was found hiding in a medication room with a knife at her wrist. Respondent had several superficial wounds on her left wrist and

appeared to be dazed. Respondent was transported for emergency medical and mental health treatment.

5. Respondent has been diagnosed with post traumatic stress disorder and borderline personality disorder. Respondent states that she has participated in psychiatric care for several years.
6. Respondent is continuing to receive psychiatric care and has been released by her physician to return to her nursing duties.

CONCLUSIONS OF LAW

By the conduct described above, Christina I. Averill is subject to disciplinary action against her license to practice as a registered nurse in the state of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(b) and (c), and Wis. Adm. Code sec. N 7.03(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that as a reasonable accommodation to Respondent's condition, the license of Christina I. Averill to practice as a registered nurse in the state of Wisconsin is LIMITED as follows:

1. Respondent shall engage in direct patient care only under the general supervision of a registered nurse. If Respondent's health care provider recommends work restrictions in the field of nursing in addition to restrictions contained in this Order, Respondent shall restrict her practice in accordance with such recommendations.
2. Respondent shall continue successful participation in a mental health treatment program with a health care provider acceptable to the Board. Dr. Andrew J. Schroettner, M.D., is an acceptable health care provider. As a part of treatment, Respondent must attend therapy on a schedule as recommended by her health care provider; attendance however, shall be required at least one (1) time per month. Respondent shall maintain compliance in the use of any medications prescribed by her health care provider, and shall participate in any periodic blood monitoring for medications as may be requested by her employer.
3. Respondent shall provide to the Board current releases complying with state and federal law, authorizing the release of counseling, treatment, monitoring and employment records.

4. Respondent shall arrange for quarterly reports from her nursing employer reporting the terms and conditions of her employment and evaluating her work performance, and from her health care provider, reporting her progress in treatment of her condition.

Required reports shall be submitted to the Department monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, WI 53708. (tel: 608-267-7139).

5. Respondent shall provide any current or prospective nursing employer with a copy of this Final Decision and Order.
6. Respondent shall report to the Board any change in employment status, change in health care provider, or change of residence or telephone number within five (5) days of such change.
7. Violation of any of the terms of this Final Decision and Order shall be construed as conduct imperiling public health, safety and welfare, and may result in a summary suspension of Respondent's license. The Board in its sole discretion may in the alternative impose additional conditions and limitations upon Respondent's license.
8. The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".
9. This Order shall become effective upon the date of its signing.

WISCONSIN BOARD OF NURSING

By:

 13 MAR 97
A Member of the Board Date

BEFORE THE BOARD OF NURSING

STIPULATION
96 NUR 191

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation is the current licensure card of Respondent.
7. Alao attached to this Stipulation are the health care records of Respondent.
8. The parties to this Stipulation agree that the attorney for the Division of Enforcement may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.
9. The Division of Enforcement joins respondent in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

Christina Averill
Christina I. Averill, R.N.

2/5/97
Date

James W. Harris
James W. Harris, Attorney
Division of Enforcement

February 6, 1997
Date

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BOARD OF NURSING

In the Matter of the Disciplinary Proceedings Against

Christina I. Averill, R.N.,

AFFIDAVIT OF MAILING

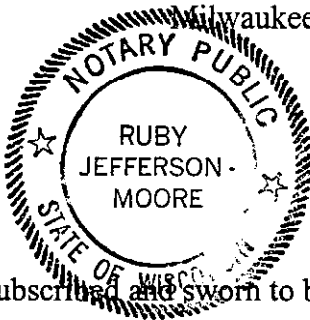
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 20, 1997, I served the Final Decision and Order dated March 13, 1997 upon the Respondent Christina I. Averill, R.N. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 373 805.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Christina I. Averill, R.N.
3825 South 63rd Street
Milwaukee WI 53220



Subscribed and sworn to before me

this 20th day of March, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 20, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)